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IN THE UNITED STATES DISTRICT COURT
 THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

PACIFIC BELL TELEPHONE COMPANY	)	Case No. CV 11-0970 CRB
d/b/a AT&T CALIFORNIA,)	
	)	THIRD STIPULATION AND
Plaintiff,	)	PROPOSED ORDER TO HOLD CASE
	)	IN FURTHER ABEYANCE AND
v.	)	CONTINUE ALL PENDING DEADLINES
	)	AND INITIAL CASE MANAGEMENT
MICHAEL R. PEEVEY, TIMOTHY ALAN	)	CONFERENCE PENDING FURTHER
SIMON, MIKE FLORIO, and CATHERINE,	)	ACTION FROM THE CALIFORNIA
J.K. SANDOVAL, IN THEIR OFFICIAL	)	PUBLIC UTILITIES COMMISSION
CAPACITIES AS COMMISSIONERS OF THE)	
CALIFORNIA PUBLIC UTILITIES)	
COMMISSION, AND NOT AS	)	[Civil L.R. 6-1(b) and 6-2]
INDIVIDUALS, and XO COMMUNICATIONS)	
SERVICES, INC.,	)	Trial Date: None
)	
Defendant.)	

Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the Northern District of California and Standing Order 4 of the Honorable Charles R. Breyer, it is hereby stipulated by and among Plaintiff Pacific Bell Company d/b/a AT&T California (“AT&T California”) and Defendants, Michael R. Peevey, Timothy Alan Simon, Mike Florio, Catherine J.K. Sandoval, in their official capacities as Commissioners of the California Public Utilities Commission (“CPUC”), and XO Communications Services, Inc. (“XO”) (collectively the

“Parties”), by and through their respective counsel or record, as follows:

1. This case shall be held in further abeyance for a period of 90 days from March 6, 2012 in order to give the CPUC an opportunity to act on the assigned Administrative Law Judge’s Proposed Decision issued on February 7, 2012, as described *infra*.

2. This case was initially held in abeyance in order to allow the CPUC to rule on AT&T California’s application for rehearing of the CPUC’s original decision (D.10-07-005), which was the subject of AT&T California’s Complaint here. On July 18, 2011, the CPUC issued an “Order Modifying Decision,” D.11-07-032, that denied rehearing but modified its prior decision.

3. On August 16, 2011, AT&T California filed a petition for modification of the CPUC’s decision on rehearing, D.11-07-032. On August 25, 2011, XO also filed a petition for modification of D.11-07-032. On February 7, 2012, the assigned CPUC Administrative Law Judge issued a Proposed Decision Modifying Rehearing Decision (D.) 11-07-032 and Underlying D.10-07-05. AT&T California’s and XO’s comments on the Proposed Decision are due on February 27, 2012 and reply comments are due on March 5, 2012. The CPUC may act on the Proposed Decision at its March 8, 2012 meeting, or at a subsequent meeting.

4. In consideration of these developments, the Parties agree that holding this action in further abeyance for a limited period of time is prudent.

5. Pursuant to this stipulated period of abeyance, all of the Parties’ respective rights shall be preserved for the 90 day abeyance period, including but not limited to the right of defendants CPUC and XO to answer or otherwise respond to AT&T California’s Complaint or amended complaint, if filed.

6. This Stipulation would alter certain preliminary deadlines established by this Court, including the obligation to meet and confer to discuss preliminary case management and scheduling issues, as well as the obligation to file a Joint Case Management Statement in advance of the Case Management Conference. For this reason, the Parties stipulate and request of this Court that all of the following dates and deadlines be extended as follows:

1 a. The March 6, 2012 deadline for Defendants CPUC and XO to answer or
2 otherwise respond to AT&T's Complaint shall be extended to June 4, 2012 or 30 days after AT&T
3 California's filing and service of any amended complaint, whichever is later.

4 b. The Initial Case Management Conference scheduled for April 20, 2012,
5 shall be continued to Friday, July 20, 2012 at 8:30 a.m. in Courtroom 8, 19th Floor, 450 Golden
6 Gate Avenue, San Francisco, California, or as soon thereafter as is convenient for the Court.

7 c. The March 21, 2012 deadline for lead trial counsel to meet and confer in
8 advance of the Initial Case Management Conference, shall be continued to June 19, 2012.

9 d. The April 13, 2012 deadline for the Parties to file a Joint Case Management
10 Statement shall be continued to July 13, 2012.

11 e. The March 30, 2012 deadline for the Parties to do the following shall be
12 continued to June 28, 2012:

13 i. meet and confer re: early settlement, ADR process selection, and
14 discovery plan;

15 ii. file ADR Certification signed by Parties and Counsel;

16 iii. file either Stipulation to ADR Process or Notices of Need for ADR
17 Phone Conference.

18 This is the third stipulated time modification in this case, as set forth *supra*. No trial date
19 has been set, so this extension will not require that a trial date be rescheduled, but it will require
20 that the Initial Case Management Conference and related deadlines be rescheduled, as set forth
21 *supra*.

22 Pursuant to Section X of Northern District of California General Order 45, counsel for
23 AT&T California attests that it has obtained concurrence in the filing of this document from Mr.
24 Joseph Addiego, counsel for XO, and Ms. Laura Gasser, counsel for CPUC, on February 16, 2012.

25 IT IS SO STIPULATED.

1 DATED this 16 day of February 2012.

2 PACIFIC BELL TELEPHONE COMPANY,
3 d/b/a AT&T CALIFORNIA

4 By: /s/ J. Tyson Covey
J. Tyson Covey

5 /s/ David Discher
David Discher

6 Attorneys for Plaintiff Pacific Bell Telephone
7 Company, d/b/a AT&T California

8 DAVIS WRIGHT TREMAINE LLP

9 By: /s/ Joseph E. Addiego III
Joseph E. Addiego III

10 Attorneys for Defendant XO Communications
11 Services, Inc.

12 CALIFORNIA PUBLIC UTILITIES
13 COMMISSION

14 By: /s/ Laura E. Gasser
Laura E. Gasser

15 Attorneys for Defendant California Public
16 Utilities Commissioners Peevey, Simon, Florio,
17 and Sandoval

18 **ORDER**

19 Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

20 IT IS FURTHER ORDERED that the April 20, 2012 Initial Case Management Conference
21 shall be rescheduled to July 20, 2012 at 8:30 a.m. in Courtroom 8, 19th Floor, 450 Golden Gate
22 Avenue, San Francisco, California.

23 IT IS SO ORDERED.

24 DATED: February 17, 2012.

25
26 THE HONORABLE
27 UNITED STATES DISTRICT JUDGE

